

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GENE A. ALLEN,

Plaintiff,

VS.

SUTHERN DISERT CORRECTIONAL
CENTER, *etc.*, *et al.*

Defendants.

2:12-cv-01507-GMN-VCF

ORDER

In this transferred action, plaintiff, a Nevada state inmate, filed a complaint in the Southern District of New York seeking, *inter alia*, to challenge a prison disciplinary sanction of loss of good time credit. Neither a filing fee nor an application to proceed *in forma pauperis* was received with the complaint. It does not appear from the allegations presented that a dismissal of the present action without prejudice would materially impact the analysis of the application of the limitation period or of other possible defenses in a promptly-filed later action. The Court notes that plaintiff has a demonstrated history as a frequent frivolous filer, including having long since accrued more than three strikes under 28 U.S.C. § 1915(g) and further including the filing of frivolous actions in other federal district courts around the country. See, e.g., *Gene Allen v. Nevada Department of Public Safety, etc.*, No. 3:09-cv-00424-LRH-RAM, #8.

21 **IT IS THEREFORE ORDERED** that this action shall be DISMISSED without prejudice
22 to the filing of a new properly commenced action under a new docket number with either the
23 required filing fee or a properly completed application to proceed *in forma pauperis*, with all
24 new attachments.

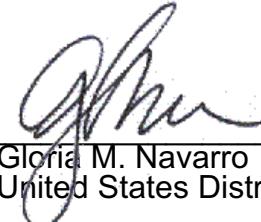
25 **IT IS FURTHER ORDERED**, in the event of an appeal, and pursuant to 28 U.S.C. §
26 1915(a)(3), that the Court certifies to the Court of Appeals that an appeal is not taken in good
27 faith. So that the certification herein may be clearly marked for review by the Court of
28 Appeals, the Clerk of this Court shall prominently include within the docket entry for this order

1 a statement that the order of dismissal also certifies to the Court of Appeals that an appeal
2 would not be taken in good faith.

3 **The Clerk is directed** to send plaintiff two copies each of the applicable pauper and
4 complaint forms, along with the instructions for each form and a copy of the papers that he
5 submitted.

6 **IT IS FURTHER ORDERED** that the Clerk shall enter final judgment accordingly,
7 **DISMISSING this action, without prejudice.**

8 DATED this 27th day of August, 2012.

9
10
11 
12 Gloria M. Navarro
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
